IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1182 OF 2003

The State of Maharashtra .. Appellant.
Vs.
Sambhaji Dattatraya
Phadatare and Others .. Respondents.

Mr.A.S.Shitole for the appellant.
Mr.V.S.Talkute A.P.P. for the State.

CORAM : D.B.BHOSALE, J.
DATED : 17TH JULY, 2006

P.C.:

. Heard learned A.P.P. for the State and learned counsel for the respondent-accused.

2. This appeal is directed against the judgment and order dated 4.4.2003 rendered by the Joint Judicial Magistrate, First Class, Satara by which all the accused, who were charged and tried of the offence punishable under section 498-A, 323, 506 read with 34 of I.P.C. have been acquitted. According to the prosecution, between 12.3.2000 and 25.4.2000 all the accused subjected the complainant - Seema to cruelty. I perused the judgment and other material placed before me. The main allegations reflected in the evidence of the complainant are as follows: All the accused immediately after marriage started ill-treating her only with a view to coerce her to fulfil their demand of Rs.5,000/-, ganthan, certain jwellery, household articles, cot and bedding etc. She has then alleged that accused nos.1 and 3 were

seen by her in compromising position and lastly, she has stated that she had overheard accused nos.1 and 3 talking and planning to kill her. This all happened during 20 days period after marriage. The trial Court on appreciation of the evidence found that her testimony was full of improvement, contradictions and was not trustworthy. Admittedly, financially the accused were well of and, therefore, the trial Court held that there was no reason for them to make demand of money and even the articles mentioned by the complainant were household articles presented in all such marriages. Insofar as jwellery is concerned, the trial Court holds that it was presented by the complainant's parents to the complainant willingly. The prosecution case does not appear to be probable keeping in view the evidence and circumstances in which the complainant left the house of the accused. Considering the reasons recorded by the courts below on appreciation of the evidence on record the impugned judgment cannot be said to be unreasonable and perverse. The view taken by the trial Court is reasonably possible view and is based on the material on record. Merely because the other view is possible on the basis of the said material that by itself cannot be a ground for converting the judgment and order of acquittal into a judgment of conviction. In the circumstances this appeal is dismissed.

(D.B.Bhosale, J.)